

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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4 Inventorship Tjong et al.
5 Applicant Microsoft Corporation
6 Group Art Unit2154
7 Examiner Joo, Joshua
8 Attorney's Docket No. MS1-921US

9 Title: Point-to-Point Data Communication Implemented with Multipoint Network
10 Data Communication Components

11 **APPEAL BRIEF**

12 To: MS: Appeal Brief - Patents
13 Commissioner for Patents
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19 Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an Appeal Brief
20 for Application No. 09/945,369 filed August 8, 2001. A Notice of Appeal was filed
21 February 1, 2006. Accordingly, Appellant appeals to the Board of Patent Appeals
22 and Interferences seeking review of the Examiner's rejections.
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1 **(i) REAL PARTY IN INTEREST**

2 The real party in interest is the Microsoft Corporation, the assignee of all
3 right and title to the subject invention.

4
5 **(ii) RELATED APPEALS AND INTERFERENCES**

6 Appellant is not aware of any other appeals or interferences which will
7 directly affect, be directly affected by, or otherwise have a bearing on the Board's
8 decision to this pending appeal.

9
10 **(iii) STATUS OF CLAIMS**

11 Allowed Claims: No claims have been allowed.

12 Canceled Claims: Claims 15-31 and 45-58 were previously canceled.

13 Amended Claims: Claims 1-3, 5-14, and 32-44 have been previously
14 amended.

15 Pending Claims: Claims 1-14 and 32-44 stand rejected and are pending
16 in this Application as set forth in the Claims Appendix on page 14.

17 Appealed Claims: All of the pending claims are subject to this appeal and
18 stand rejected under 35 U.S.C. §103(a) for obviousness over the Background of
19 Appellant's Specification (hereinafter, "Background") in view of U.S. Patent
20 No. 6,233,619 to Narisi et al. (hereinafter, "Narisi").

1 **(iv) STATUS OF AMENDMENTS**

2 A Final Office Action was issued on October 4, 2005 whereupon Appellant
3 filed a Response on November 29, 2005 to address the 35 U.S.C. §103 rejection of
4 pending claims 1-14 and 32-44. Claims 1, 9-14, and 32 were amended in the
5 Response.

6 An Advisory Action was issued on January 13, 2006 dismissing
7 Appellant's traversal and maintaining the rejection of the pending claims 1-14 and
8 32-44.

9 Appellant filed a Notice of Appeal on February 1, 2006 in response to the
10 Advisory Action and the Final Office Action.

1 **(v) SUMMARY OF CLAIMED SUBJECT MATTER**

2 Following is a concise explanation of each independent claim 1 and 32
3 which includes specification references and exemplary drawing reference
4 characters. As explained, the independent claims are not limited solely to the
5 elements identified by the reference characters.

6
7 Claim 1 is directed to a data communication system (500; Fig. 5)
8 configured to communicatively link a host device (502) and a remote client
9 device (504) with a point-to-point data communication link (506), the host device
10 (502) and the remote client device (504) each configured for multipoint data
11 communication over a distributed network. The data communication system (500)
12 includes a remote data communication interface driver (530) of the host device
13 (502) implemented in the remote client device (504), the remote data
14 communication interface driver (530) configured to communicatively link with a
15 data communication interface (520) of the host device (502) via the point-to-point
16 data communication link (506). The data communication system (500) also
17 includes a virtual driver component (528) configured to communicate with the
18 remote data communication interface driver (530) and the remote client device
19 (504), and includes a virtual network (532) configured to communicatively link
20 the remote data communication interface driver (530) and the virtual driver
21 component (528) in the remote client device (504).

22 With reference to Fig. 5, Appellant describes that a Remote NDIS miniport
23 driver layer (530) of a host computing device (502) is implemented in a client
24 device (504) (instead of in the host computing device) which facilitates a
25 point-to-point communication link (506) between the two devices without having

1 to configure the host computing device (502) with interface components to
2 communicate with the client device (504). The host computing device (502) can
3 be communicatively linked with any mobile client device without having driver(s)
4 for a particular device installed on the host computing device (*Specification* p.14,
5 lines 8-16; Fig. 5).

6
7 Claim 32 is directed to a method (Fig. 7) for implementing a point-to-point
8 data communication link (506; Fig. 5) between computing devices. The method is
9 described with reference to Fig. 7 in the specification on page 17, line 7 to
10 page 19, line 5. The method includes implementing a remote network
11 communication component (530) of a host computing device (502) in a remote
12 client computing device (504), the remote network communication component
13 (530) designed for data communication over a distributed network (block 700;
14 *Specification* p.17, lines 14-22). Appellant describes that the Remote NDIS
15 miniport driver layer (530) (implemented in the remote client device) is
16 communicatively linked with the Remote NDIS component (520) at host
17 computing device (502) via the point-to-point communication link (506)
18 (*Specification* p.17, lines 20-22).

19 The method also includes implementing a connection interface (534, 536)
20 to couple the remote network communication component (530) with the host
21 computing device (502) (block 702; *Specification* p.17, line 23 to p.18, line 5).
22 The method also includes implementing a virtual network (532) to
23 communicatively link the remote network communication component (530) and a
24 virtual driver component (528) of the remote client computing device (504)
25 (block 704; *Specification* p.18, lines 6-10). Appellant describes that virtual LAN

1 (532) communicatively links the Remote NDIS miniport driver layer (530) and the
2 virtual miniport driver layer (528) at client device (504) (*Specification* p.18,
3 lines 8-10).

1 **(vi) GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

2 The rejection of all pending claims 1-14 and 32-44 which stand rejected
3 under 35 U.S.C. §103(a) for obviousness over the Background of Appellant's
4 Specification (hereinafter, "Background") in view of U.S. Patent No. 6,233,619 to
5 Narisi et al. (hereinafter, "Narisi") as set forth in the Final Office Action dated
6 October 4, 2005.

7
8 **(vii) ARGUMENT**

9
10 **(A) Narisi and/or the Background do not teach or suggest a remote**
11 **data communication interface driver of a host device**
12 **implemented in a remote client device.**

13
14 **Claims 1-14 and 32-44**

15 For example, Claim 1 recites (in part):

16 A data communication system configured to communicatively link a
17 host device and a remote client device with a point-to-point data
18 communication link, the host device and the remote client device each
19 configured for multipoint data communication over a distributed network,
20 the data communication system comprising:

21 **a remote data communication interface driver of the host device**
22 **implemented in the remote client device,** the remote data communication
23 interface driver configured to communicatively link with a data
24 communication interface of the host device via the point-to-point data
25 communication link; ...

1 Appellant submits that Narisi and/or the Background do not teach or
2 suggest “a remote data communication interface driver of the host device
3 implemented in the remote client device”, as recited in claim 1.

4 With reference to Fig. 5, Appellant describes that a Remote NDIS miniport
5 driver layer (530) of a host computing device (502) is implemented in a client
6 device (504) (instead of in the host computing device) which facilitates a
7 point-to-point communication link (506) between the two devices without having
8 to configure the host computing device with interface components to communicate
9 with the client device. The host computing device can be communicatively linked
10 with any mobile client device without having driver(s) for a particular device
11 installed on the host computing device (*Specification* p.14, lines 8-16; Fig. 5).

12 In the Background with reference to Fig. 4, Appellant describes a
13 computing device (402) that includes a Remote NDIS miniport driver layer (414),
14 and the computing device (402) is connected to a remote device (408) via a USB
15 connection (*Background* p.6, lines 14-15; Fig. 4). The Examiner “interprets the
16 computing device of Applicant’s Background [Fig. 4] as the client device, and the
17 remote device of Applicant’s Background as the host device” (*Final Office Action*
18 p.12, ¶45). This interpretation is incorrect which leads to an incorrect conclusion
19 that “a remote data communication interface driver of the host device
20 implemented in the client device” (as recited in claim 1) is described in the
21 Background (*Final Office Action* p.12). The Office cites to the Detailed
22 Description in the specification at page 14, lines 8-10 and makes a comparison to
23 the Background at page 6, lines 14-15 (*Final Office Action* pp. 11-12).

24 The Office’s interpretation of the Background Fig. 4 that the computing
25 device is the client device, and that the remote device is the host device is

1 incorrect because the Background is described with reference to Figs. 1-4, each of
2 which include a computing device (e.g., host computing device) having
3 communication components to communicate with client or remote devices via a
4 communication link.

5 Fig.1 includes a host computing device (102) for conventional
6 point-to-point communication with a client device (104) via a serial connection
7 between serial ports of the two devices (*Background* p.3, lines 15-17). Similarly,
8 Fig. 2 includes a host computing device (202) for point-to-point communication
9 with a client device (204) via a point-to-point USB connection (*Background* p.3,
10 lines 15-17).

11 Fig. 3 includes a computing device (302) having multipoint network data
12 communication components for communication with network-connected device(s)
13 via a LAN (310) (*Background* p.4, lines 12-14; p.6, lines 4-5). Fig. 4 includes the
14 computing device (402) having the Remote NDIS miniport driver layer (414) for
15 communication with remote device (408) via a USB connection (*Background* p.6,
16 lines 14-15; Fig. 4).

17 Accordingly, and contrary to the Office's interpretation, the computing
18 device (402) in Fig. 4 is the host computing device and the remote device (408) is
19 the client device. The Background describes that a host computing device can
20 include a Remote NDIS miniport driver layer (414). Only the Detailed
21 Description then describes the claimed subject matter which includes
22 implementing a host computing device's Remote NDIS driver layer in an external
23 device (e.g., a client, a remote device, a portable device, and the like)
24 (*Specification* p.10, line 19 to p.11, line 7; p.14, lines 8-16).
25

1 Further, claim 1 clearly states that the client device is a *remote* client device
2 which includes a host computing device's Remote NDIS driver layer. For
3 example, Fig. 5 illustrates a host computing device (502) and a remote client
4 device (504) which includes the Remote NDIS miniport driver layer (530) of the
5 host computing device (502) (*see Specification* p.14, lines 8-16 for examples of a
6 remote client device). As described, an advantage to having remote devices
7 implemented with a Remote NDIS miniport driver layer of a host computing
8 device is that the host computing device does not need to then have the various
9 and different driver(s) for the remote devices installed, but can still be
10 communicatively linked with any number of the mobile client devices
11 (*Specification* p.16, lines 6-12; Fig. 6).

12 For at least these reasons, Narisi and/or the Background do not teach or
13 suggest "a remote data communication interface driver of the host device
14 implemented in the remote client device", as recited in claim 1.

15 Accordingly, independent claims 1 and 32 are allowable over the
16 Background-Narisi combination and Appellant respectfully requests that the §103
17 rejection be withdrawn. Given that claims 2-14 depend from claim 1, and that
18 claims 33-44 depend from claim 32, Appellant submits that these dependent claims
19 are likewise allowable over the Background-Narisi combination and respectfully
20 requests that the §103 rejection be withdrawn.
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1 (B) Narisi and/or the Background do not teach or suggest a remote
2 data communication interface driver (of a host device
3 implemented in a remote client device) to communicatively link
4 with a data communication interface of the host device.

5
6 Claims 1-14 and 32-44

7 For example, Claim 1 recites (in part):

8 ...
9 a remote data communication interface driver of the host device
10 implemented in the remote client device, the remote data communication
11 interface driver configured to communicatively link with a data
12 communication interface of the host device via the point-to-point data
13 communication link; ...

14 Appellant submits that Narisi and/or the Background do not teach or
15 suggest “the remote data communication interface driver configured to
16 communicatively link with a data communication interface of the host device”, as
17 recited in claim 1. The Office merely cites to the Background Fig. 4 for the host
18 computing device (402) which includes a Remote NDIS miniport driver
19 layer (414) to communicate with a remote device (408) (*Office Action* p.2, ¶4).

20 As described above in Argument A, Appellant describes in the Background
21 with reference to Fig. 4, a computing device (402) that includes a Remote NDIS
22 miniport driver layer (414), and the computing device (402) is connected to a
23 remote device (408). There is no indication in Fig. 4 or elsewhere in the
24 Background of a remote data communication interface driver of the computing
25 device (402) being implemented in the remote device (408), as described in
claim 1. Clearly then, Narisi and/or the Background do not teach or suggest “the

1 remote data communication interface driver” – in a remote client device –
2 “configured to communicatively link with a data communication interface of the
3 host device”, as recited in claim 1.

4 Accordingly, independent claims 1 and 32 (in combination with dependent
5 claim 33) are allowable over the Background-Narisi combination for at least these
6 reasons and Appellant respectfully requests that the §103 rejection be withdrawn.
7 Given that claims 2-14 depend from claim 1, and that claims 33-44 depend from
8 claim 32, Appellant submits that these dependent claims are likewise allowable over
9 the Background-Narisi combination and respectfully requests that the §103 rejection
10 be withdrawn.

11
12 **Conclusion**

13 Appellant respectfully requests that the 35 U.S.C. §103 rejection of all
14 pending claims 1-14 and 32-44 be overturned and that the pending claims be
15 allowed to issue.

16
17 Respectfully Submitted,

18
19 Dated: May 1, 2006

20 By: 

21 David A. Morasch
22 Lee & Hayes, PLLC
23 Reg. No. 42,905
24 (509) 324-9256 x 210
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(viii) CLAIMS APPENDIX

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2
3 **1. (previously presented)** A data communication system
4 configured to communicatively link a host device and a remote client device with
5 a point-to-point data communication link, the host device and the remote client
6 device each configured for multipoint data communication over a distributed
7 network, the data communication system comprising:

8 a remote data communication interface driver of the host device
9 implemented in the remote client device, the remote data communication interface
10 driver configured to communicatively link with a data communication interface of
11 the host device via the point-to-point data communication link;

12 a virtual driver component configured to communicate with the remote data
13 communication interface driver and the remote client device; and

14 a virtual network configured to communicatively link the remote data
15 communication interface driver and the virtual driver component in the remote
16 client device.

17 **2. (previously presented)** A data communication system as recited
18 in claim 1, wherein the remote data communication interface driver is a Remote
19 Network Driver Interface Specification (NDIS) driver and the data communication
20 interface is a Remote NDIS component configured to communicate with the
21 Remote NDIS driver via the point-to-point data communication link.
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1 **3. (previously presented)** A data communication system as recited
2 in claim 1, wherein the remote data communication interface driver is a Remote
3 Network Driver Interface Specification (NDIS) driver and the data communication
4 interface is a Remote NDIS component configured to communicate Remote NDIS
5 messages with the Remote NDIS driver via the point-to-point data communication
6 link.

7
8 **4. (original)** A data communication system as recited in claim 1,
9 wherein the virtual network is a local area network.

10
11 **5. (previously presented)** A data communication system as recited
12 in claim 1, wherein the remote data communication interface driver is a Remote
13 Network Driver Interface Specification (NDIS) driver configured to communicate
14 with the virtual driver component via the virtual network.

15
16 **6. (previously presented)** A data communication system as recited
17 in claim 1, wherein the remote data communication interface driver is a Remote
18 Network Driver Interface Specification (NDIS) driver configured to communicate
19 Remote NDIS messages with the virtual driver component via the virtual network.
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1 **7. (previously presented)** A data communication system as recited
2 in claim 1, wherein the remote data communication interface driver is a Remote
3 Network Driver Interface Specification (NDIS) driver and the data communication
4 interface is a Remote NDIS component configured to communicate with the
5 Remote NDIS driver via the point-to-point data communication link, and the
6 Remote NDIS driver is configured to communicate with the virtual driver
7 component via the virtual network.

8
9 **8. (previously presented)** A data communication system as recited
10 in claim 1, wherein the remote data communication interface driver is a Remote
11 Network Driver Interface Specification (NDIS) driver and the data communication
12 interface is a Remote NDIS component configured to communicate Remote NDIS
13 messages with the Remote NDIS driver via the point-to-point data communication
14 link, and the Remote NDIS driver is configured to communicate the Remote NDIS
15 messages with the virtual driver component via the virtual network.

16
17 **9. (previously presented)** A data communication system as recited
18 in claim 1, further comprising a connection interface configured to couple the
19 point-to-point data communication link with the remote client device.

20
21 **10. (previously presented)** A data communication system as recited
22 in claim 1, further comprising a Universal Serial Bus data communication
23 interface configured to couple the point-to-point data communication link with the
24 remote client device.
25

1 **11. (previously presented)** A data communication system as recited
2 in claim 1, further comprising a 1394 bus data communication interface
3 configured to couple the point-to-point data communication link with the remote
4 client device.

5
6 **12. (previously presented)** A data communication system as recited
7 in claim 1, further comprising a wireless data communication interface configured
8 to couple the point-to-point data communication link with the remote client
9 device.

10
11 **13. (previously presented)** A data communication system as recited
12 in claim 1, further comprising a Bluetooth data communication interface
13 configured to couple the point-to-point data communication link with the remote
14 client device.

15
16 **14. (previously presented)** A data communication system as recited
17 in claim 1, further comprising an infrared data communication interface
18 configured to couple the point-to-point data communication link with the remote
19 client device.

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21 **15-31. (canceled)**
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1 **32. (previously presented)** A method for implementing a
2 point-to-point data communication link between computing devices, the method
3 comprising:

4 implementing a remote network communication component of a host
5 computing device in a remote client computing device, the remote network
6 communication component designed for data communication over a distributed
7 network;

8 implementing a connection interface to couple the remote network
9 communication component with the host computing device; and

10 implementing a virtual network to communicatively link the remote
11 network communication component and a virtual driver component of the remote
12 client computing device.

13
14 **33. (previously presented)** A method as recited in claim 32, wherein
15 implementing the remote network communication component includes
16 implementing a data communication interface driver to communicatively link with
17 a data communication interface of the host computing device via the point-to-point
18 data communication link.

19
20 **34. (previously presented)** A method as recited in claim 32, wherein
21 implementing the remote network communication component includes
22 implementing a Remote Network Driver Interface Specification (NDIS) driver to
23 communicatively link with a Remote NDIS component of the host computing
24 device via the point-to-point data communication link.

1 **35. (previously presented)** A method as recited in claim 32, wherein
2 implementing the remote network communication component includes
3 implementing a Remote Network Driver Interface Specification (NDIS) driver to
4 communicate Remote NDIS messages with a Remote NDIS component of the host
5 computing device via the point-to-point data communication link.

6
7 **36. (previously presented)** A method as recited in claim 32, wherein
8 implementing the connection interface includes providing a point-to-point data
9 communication protocol interface.

10
11 **37. (previously presented)** A method as recited in claim 32, wherein
12 implementing the connection interface includes providing a Universal Serial Bus
13 data communication interface.

14
15 **38. (previously presented)** A method as recited in claim 32, wherein
16 implementing the connection interface includes providing a 1394 bus data
17 communication interface.

18
19 **39. (previously presented)** A method as recited in claim 32, wherein
20 implementing the connection interface includes providing a wireless data
21 communication interface.

1 **40. (previously presented)** A method as recited in claim 32, wherein
2 implementing the connection interface includes providing a Bluetooth data
3 communication interface.

4
5 **41. (previously presented)** A method as recited in claim 32, wherein
6 implementing the connection interface includes providing an infrared data
7 communication interface.

8
9 **42. (previously presented)** A method as recited in claim 32, wherein
10 implementing the virtual network includes providing a virtual local area network.

11
12 **43. (previously presented)** A method as recited in claim 32, wherein
13 implementing the remote network communication component includes
14 implementing a Remote Network Driver Interface Specification (NDIS) driver,
15 and wherein implementing the virtual network includes providing a virtual local
16 area network to communicate Remote NDIS messages between the Remote NDIS
17 driver and the virtual driver component.

1 **44. (previously presented)** A method as recited in claim 32, wherein
2 implementing the remote network communication component includes
3 implementing a Remote Network Driver Interface Specification (NDIS) driver to
4 communicate Remote NDIS messages with a Remote NDIS component of the host
5 computing device via the point-to-point data communication link, and wherein
6 implementing the virtual network includes implementing a virtual local area
7 network to communicate the Remote NDIS messages between the Remote NDIS
8 driver and the virtual driver component.

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10 **45-58. (canceled)**
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(ix) EVIDENCE APPENDIX

None.

(x) RELATED PROCEEDINGS APPENDIX

None.